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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHOI, PETER H

ART UNIT

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3623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/070,400	Applicant(s) NISHIKAWA ET AL.	
	Examiner Peter Choi	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a FINAL office action upon examination of application number 10/070,400. Claims 29-39 are pending in the application and have been examined on the merits discussed below.

Response to Amendment

2. Claims 17-28 have been withdrawn as directed towards an invention patentably distinct from those recited in original claims 1-16, which have been constructively elected. Claims 29-39 are directed towards original claims 1-11 and have been newly added in the amendment received February 23, 2007.

3. The previous objections to the specification and the abstract are withdrawn in view of substitute specification and abstract received November 2, 2006

Response to Remarks

4. The Applicant has stated their intent to file an RCE to prosecute the subject matter of claims 17-28.

As per MPEP § 819, the general policy of the Office is not to permit the applicant to shift to claiming another invention after an election is once made and action given on the elected subject matter. Note that the applicant cannot, as a matter of right, file a request for continued examination (RCE) to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and

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examined (i.e., applicant cannot switch inventions by way of an RCE as a matter of right). When claims are presented which the examiner holds are drawn to an invention other than the one elected, he or she should treat the claims as outlined in MPEP § 821.03.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-28 were withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Thus, the Applicant cannot file a request for continued examination (RCE) to obtain continued examination of claims 17-28, which were deemed by the Examiner to be drawn to an invention other than the one originally presented by claims 1-16.

Priority

5. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 7/3/00. It is noted, however, that applicant has not filed a certified copy of the Japan 2000-201622 application as required by 35 U.S.C. 119(b).

6. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Official Notice

In the previous Office Action mailed July 28, 2006, notice was taken by the Examiner that certain subject matter is old and well known in the art. Per MPEP 2144.03(c), these statements are taken as admitted prior art because no traversal of this statement was made in the subsequent response. Specifically, it has been taken as prior art that:

- It is old and well known in the art for employees to request permission/authorization to perform and/or be scheduled for overtime work
- Wireless internet access using mobile devices is old and well known in the art

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 discloses a display means capable of selectively switching a first and second display screen. However, it has been held that the recitation of an element "capable of" performing a function is not a positive limitation but only requires the ability to so perform. The "capable of" clause merely sets forth an intended use of the claimed display means. For examination purposes, it has been assumed that the display means actually performs the step of switching a first and second display screen.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 29, and 34-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshikawa (U.S Patent #6,012,037).

As per claim 29, Yoshikawa teaches a scheduler comprising:

(a) storage means for storing a business schedule of a business performer and application information indicating a matter requested by the business performer being correlated to each other (**term data input means for inputting a term data by designating a start day and an end day; schedule input means for inputting a schedule corresponding to the term data inputted by the term data input means; storage means for storing the term data and the schedule in correspondence**) [Column 2, lines 31-36];

(b) extracting means for extracting the business schedule and the application information stored in the storage means (**retrieval means for retrieving, from the storage means, the term data including the specific date designated by the date designation means**) [Column 2, lines 37-39]; and

(c) display means for displaying the extracted business schedule and application information being correlated to each other (**schedule display means for displaying at least the start day and the end day of the term data retrieved by the retrieval means**) [Column 2, lines 39-41, Figures 10-17].

As per claim 34, Yoshikawa teaches the scheduler of claim 1, wherein the display means displays both the business schedule and the application information on the same screen (**Suppose that a schedule for a day or for a plurality of days is set as a term schedule. If a schedule for a day is displayed sometime afterwards and**

the day is included within the term set as the term schedule, then the start day and the end day of the term schedule are displayed in addition to the contents of the schedule for the day) [S106 of Figure 5, S10B and S113 of Figure 6, Figures 10-17, Column 6, lines 57-63].

As per claim 35, Yoshikawa teaches the scheduler of claim 1, wherein the display means are capable of selectively switching a first display screen displaying the business schedule and a second display screen displaying the application information corresponding to the business schedule in response to an operation of the business performer **(The liquid crystal display section 201 switches from the screen for displaying a one-month calendar for May {business schedule of the user} to a screen for inputting a plan {application information corresponding to the user's business schedule} for the day of May 30; the liquid crystal display section 201 switches the screen from the one-month calendar display of May to the weekly display of the seven days beginning on May 28 and including May 30)** [Column 8, lines 64-66, Column 9, lines 64-67].

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 30-33 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa as applied to claim 1 above, and further in view of Colyer et al. (U.S. Patent #6,745,196).

As per claim 30, although not explicitly taught by Yoshikawa, Colyer et al. teaches the scheduler of claim 29, wherein the application information is information to request an approval about a special matter **(the invention uses an online computer applications service that facilitates the initiation and completion of transactions (e.g., vacation requests or purchase order approvals))** [Column 2, lines 23-35].

Both Yoshikawa and Colyer et al. are directed towards time management of employees. Yoshikawa is directed towards permitting self-scheduling of users, but lacks the steps of requesting and receiving approval for special events, a feature taught by Colyer et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Yoshikawa to include the step of requesting approval, as taught by Colyer et al., because the resulting combination would enable users to only schedule vacations and/or overtime shifts (and around said events) that have been approved by management.

As per claim 31, although not explicitly taught by Yoshikawa, Colyer et al. teaches the scheduler of claim 30, wherein the special matter includes getting a day-off

(the first transaction request corresponds to a vacation request that the first registered user is making to his/her manager at the company; a software application may include a program that the registered user can run on service 108 in order to generate, for example, a vacation request or a purchasing request to be submitted to a superior) [Column 2, lines 40-41, Column 7, lines 13-16].

The combined teachings of Yoshikawa and Colyer et al. do not explicitly teach the step of requesting overtime work. However, it has been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that it is old and well known in the art for employees to request permission/authorization to perform and/or be scheduled for overtime work; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined teachings of Yoshikawa and Colyer et al. to include the feature of requesting overtime work, because the resulting combination would allow management to assess the sufficiency of workers available to staff work shifts (and the need for additional workers) and schedule the available workforce accordingly.

Both Yoshikawa and Colyer et al. are directed towards time management of employees. Yoshikawa is directed towards permitting self-scheduling of users, but lacks the steps of requesting and receiving approval for special events, a feature taught by Colyer et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Yoshikawa to include the step of

requesting approval, as taught by Colyer et al., because the resulting combination would enable users to schedule only vacations and/or overtime shifts (and around said events) that have been approved by management.

As per claim 32, although not explicitly taught by Yoshikawa, Colyer et al. teaches the scheduler of claim 29, wherein the application information is information to carry out a special job **((ii) inviting the given unregistered user to register with the service by transmitting information representative of the further transaction (e.g., a vacation request or purchase order approval request) to the given unregistered user over the computer network (e.g., the internet), and (iii) registering the given unregistered user with the service in response to the invitation, by storing information representative of the given unregistered user in the database, thereby transforming the given unregistered user into a registered user)** [Column 3, lines 9-18].

Both Yoshikawa and Colyer et al. are directed towards time management of employees. Yoshikawa is directed towards permitting self-scheduling of users, but lacks the steps of requesting and receiving approval for special events, a feature taught by Colyer et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Yoshikawa to include the step of requesting approval, as taught by Colyer et al., because the resulting combination

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would enable users to only schedule vacations and/or overtime shifts (and around said events) that have been approved by management.

As per claim 33, although not explicitly taught by Yoshikawa, Colyer et al. teaches the scheduler of claim 32, wherein the special job includes at least one of payment of transportation expenses, giving allowance and giving expense account **(the invention uses an online computer applications service that facilitates the initiation and completion of transactions (e.g., vacation requests or purchase order approvals; a software application may include a program that the registered user can run on service 108 in order to generate, for example, a vacation request or a purchasing request to be submitted to a superior)** [Column 2, lines 23-35, Column 7, lines 13-16].

Both Yoshikawa and Colyer et al. are directed towards time management of employees. Yoshikawa is directed towards permitting self-scheduling of users, but lacks the steps of requesting and receiving approval for special events, a feature taught by Colyer et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Yoshikawa to include the step of requesting approval for purchases and expenses, as taught by Colyer et al., because the resulting combination would enable users to submit written requests for reimbursement of employee expenses incurred (while conducting business) that are subject to approval by management.

As per claim 39, neither Yoshikawa nor Colyer et al. explicitly teaches the scheduler of claim 29, wherein the display means is provided in a mobile communication terminal that communicates data through a wireless manner.

However, Colyer et al. implements an online computer applications service 108 that facilitates the initiation and completion of transactions between users through a computer network 106 [Abstract, Figure 1A]. Various communities of users 102a, 102b, ... are coupled to online applications service 108 via computer network 106 (e.g., the internet). In one embodiment, online applications service 108 is implemented as a site on the internet [Column 6, lines 3-7]. The computer network 106 may be, for example, the Internet, a commercial network, an intranet, a local area network, or a wide area network [Column 6, lines 25-28].

It has been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that wireless internet access using mobile devices is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined teachings of Yoshikawa and Colyer et al. to include wireless data communication through a mobile communication terminal because the resulting combination would provide operators, infrastructure and terminal manufacturers, and content developers a common environment that will enable development of value-added services for mobile communication devices by broadening

the coverage area of users (as they would no longer be confined to desktop terminals) and allowing the use of mobile communication devices, thereby increasing accessibility and ease of use.

13. Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa as applied to claim 29 above, and further in view of Zey et al. (U.S Patent #6,611,275).

As per claim 36, although not explicitly taught by Yoshikawa, Zey et al. teaches the scheduler of claim 29, wherein the display means displays the type of the requested matter indicated by the application information **{Request Type 158 column of Figure 19}** and progress of approval processing for the business application **{Status 162 column of Figure 19}**(calendar 22 also shows status information associated with the maintenance request indicating whether the maintenance request has been approved, denied, or is pending an approval decision) [Figure 19, Column 6, lines 12-15].

Both Yoshikawa and Zey et al. are directed towards communicating and scheduling requests made by employees. Yoshikawa is directed towards permitting self-scheduling of users, but lacks the steps of tracking the status of approval for requested changes in a schedule, a feature taught by Zey et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings

of Yoshikawa to include the step of displaying the status of approval processing, as taught by Zey et al., because the resulting combination would enable users to be apprised of current progress and make informed decisions to perform accordingly (follow-up on requests that have been stagnant and not processed, to pursue alternative means of obtaining requested resources/material/time) in response to the current status.

As per claim 37, although not explicitly taught by Yoshikawa, Zey et al. teaches the scheduler of claim 36, wherein the display means displays the type of the requested matter and the progress of approval processing by means of an icon **(an area or field on the screen including the calendar 22 includes non-alphanumeric indicia to indicate the status of the request; non-alphanumeric indicia in an area or field on the calendar 22 changes to indicate a change in the status of the request)** [Column 6, lines 15-17, 33-35].

Both Yoshikawa and Zey et al. are directed towards communicating and scheduling requests made by employees. Yoshikawa is directed towards permitting self-scheduling of users, but lacks the steps of using icons to represent the status of approval for requested changes in a schedule, a feature taught by Zey et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Yoshikawa to include the step of using graphical representation to display the status of approval processing, as taught by Zey et al., because the

resulting combination would be more user-friendly, as icons make the display interface easy to comprehend for novice users, and encourage error-free operation, as icons are distinct from each other, are self-explanatory, are easily visible, and represent a computer executable function or status.

As per claim 38, although not explicitly taught by Yoshikawa, Zey et al. teaches the scheduler of claim 36, wherein the display means expresses the progress of the approval processing for the business application by a background color of a screen to be displayed (**status information is indicated using color on the calendar 22**) [Column 6, lines 17-67].

Both Yoshikawa and Zey et al. are directed towards communicating and scheduling requests made by employees. Yoshikawa is directed towards permitting self-scheduling of users, but lacks the step of using colors to express the status of approval for requested changes in a schedule, a feature taught by Zey et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Yoshikawa to include the step of displaying the status of approval processing using colors, as taught by Zey et al., because the resulting combination would enable users to be apprised of current progress and incorporate the well-understood concept of color coding items of interest in order to provide visual and graphical representation of the current status of approval, further allowing users to make informed decisions to perform accordingly (follow-up on requests that have been

stagnant and not processed, to pursue alternative means of obtaining requested resources/material/time) in response to the current status.

Conclusion

14. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PC

April 30, 2007

Beth Van Doren
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AU 3623